

REMARKS

Claims 1-22 are now pending in the application. Claim 1, 2, 10-13, 15 and 16 are currently amended. Claims 17-22 are new. No claims have been cancelled by this amendment. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicant would like to thank the Examiner for the courtesies extended to Applicant's representative during a telephonic interview on January 7, 2008. During that interview, the Examiner and Applicant's representative discussed proposed claim amendments and the art cited by the Examiner. The Examiner also acknowledged that the finality of the outstanding Office action was improper and indicated that he would remove the finality of the Office action in his interview summary.

Applicant noticed that the interview agenda sent to the Examiner prior to the interview has been included as part of the record. Applicant submits that the sole purpose of the interview agenda was to facilitate the discussion during the interview and thus the interview agenda shall not be considered as part of the record. Applicant respectfully requests the Office remove the interview agenda from the record.

REJECTION UNDER 35 U.S.C. § 101

Claims 1-16 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant has amended the claims to address the Examiner's rejection. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2, 4-14, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Daugman (U.S. Pat. No. 5,291,560; "Daugman"). This rejection is respectfully traversed.

Claim 1 recites, among other things,

detecting presence or absence of static textual roughness in the single image by image processing of the image data; and

wherein the single image is judged to have been captured from a photocopy of a living eye when the static textual roughness is detected in the image.

Applicant submits that Daugman fails to teach the above features.

Applicant submits that the specific texts and figures of Daugman referred to by the Examiner in the rejection of claim 1 do not appear to concern judging whether a single image is captured from a living eye or a photocopy of a living eye. Rather, those texts and figures appear to relate to determining whether the person in front of the camera is an imposter or the real person he claims to be (i.e., the identity of the person). Thus, Applicant submits that those specific texts and figures cannot teach the above features of claim 1.

Further, Daugman at best appears to show, at col. 6, lns. 38-61, a system that monitors the pupillary diameter over time to determine if the image is captured from a living eye or a photograph of a living eye. The system takes multiple images over time and compares the multiple images. Thus, it does not determine whether or not the images have been captured from a photocopy of a living eye based on the image data of a single image, let alone making that determination based on static textual roughness of the single image. Applicant submits that “static textual roughness” requires that the roughness be independent of time. Thus, the changes of pupillary diameter over time can not anticipate the claimed static textual roughness.

Claims 10, 12-13, and 15-16 each recite one or more features similar to the distinguishing features of claim 1.

In addition, claim 10 recites “extracting a predetermined feature from the band-limited image data; and recognizing whether the single image has been captured from a photocopy of a living eye based on data of the extracted feature.” As presented above, Daugman at best appears to show monitoring the pupillary diameter over time to determine if the image is captured from a living eye or a photograph of a living eye. Thus, Daugman fails to disclose determining if an image is captured for a living eye or a photocopy of a living eye based on extracted features from the band-limited image data.

Claims 12-13 each recite one or more features similar to the above distinguishing features of claim 10.

In view of the foregoing, Applicant submits that claims 1, 10, 12-13, and 15-16, as well as their respective dependent claims, define over the art cited by the Examiner.

REJECTION UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugman in view of Flom et al. (U.S. Pat. No. 4,641,349; “Flom”).

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Daugman in view of Jones et al. (U.S. Pub. No. 2002/0107801; “Jones”).

These rejections are respectfully traversed.

Applicant submits that the argument presented above regarding claim 1 apply here equally. Therefore, claims 3 and 15 define over the art cited by the Examiner.

NEW CLAIMS

Claims 17-22 are new and depend from claim 1. Applicant submits that the new claims define over the art cited by the Examiner additionally for their respective recited limitations.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 21, 2009

By: /Timothy D. MacIntyre/ _____
Gregory A. Stobbs
Reg. No. 28,764
Timothy D. MacIntyre
Reg. No. 42,824

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GAS/TDM/PFD/dec